

to cede to the United States exclusive jurisdiction over any lands so acquired, when application may be made to him for that purpose." The act further provided that the right of the State to serve civil and criminal process of the State within said lands should always be expressly reserved in any instrument of cession issued pursuant thereto. Subsequent to the enactment of this statute the United States acquired certain lands in Nueces County for military purposes. It did not appear, however, that the Governor had ever granted a deed of cession as provided by the act. The Criminal Court of Appeals of Texas, after expressing the view that "the right to withhold consent (to purchase) altogether carries with it necessarily the right to annex such conditions as it sees fit to the giving of such consent," held that in the absence of anything in the record showing that a deed of cession had been executed by the Governor as required by the act, jurisdiction had not passed to the United States.<sup>11</sup>

**31. Can jurisdiction vest in the United States before title acquired? Conflicting views.**—A statute of the State of Washington consented to the acquisition by the United States through donation by Pierce County of certain lands on which was established Camp Lewis Military Reservation, such donation to be evidenced by deed as therein provided. After giving such consent in terms of the Federal Constitution, the statute further authorized the United States to exercise "exclusive jurisdiction in all cases whatsoever over such tracts or parcels of land so conveyed to it, Provided, upon such conveyance being concluded a sufficient description by metes and bounds and an accurate plat or map of each such tract or parcel of land shall be filed in the Auditor's office of Pierce County, together with copies of orders, deeds, patents, or other evidences in writing of the title of the United States." During the First World War a defendant was alleged to have committed the crime of murder within the Reservation. At the time of the alleged murder the deed to the land had not been accepted by the United States, but the Secretary of War, pursuant to the emergency powers granted him by the Act of Congress approved July 2, 1917 (40 Stat. 241, U. S. C., Title 50, Section 171), had entered into possession of the lands, erected buildings thereon and occupied it with 50,000 troops. The United States Circuit Court of Appeals, in reversing the action of the District Court in denying the defendant's release, followed the doctrine that all acts in derogation of sovereignty should be strictly construed, and held that "the sovereignty of the State over the tract had not then been yielded up, and was not until the deed, map, etc., were filed in the office of the county auditor of Pierce County \* \* \*." <sup>12</sup>

<sup>11</sup> *Curry v. State*, 12 S. W. (2) 796, 798, 799.

<sup>12</sup> *Pothier v. Rodman*, 291 Fed. 311, 321.